

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Leonard Lamont Stewart**

Docket No. **278066**

L.C. No. **94-010039-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Defendant's case does not involve a retroactive change in the law that occurred after his last previous motion for relief from judgment. A review of the register of actions shows that on September 2, 2005, a postjudgment motion was filed and that it was denied on September 13, 2005. Regardless of the title placed on that motion, it was a motion for relief from judgment. See MCR 6.501. Since the circuit court decision relied upon by defendant occurred before September of 2005, defendant is precluded from filing this appeal regarding the 2006 motion for relief from judgment. The Court would also note that a circuit court does not establish the law or change the law. Any decision by a circuit judge is limited to that particular case and is not even binding on fellow judges of the same circuit. Only the Court of Appeals and Supreme Court establishes the law for the State and defendant does not cite any decision from either court that held the statute enacted by the legislature was retroactive.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 31 2007

Date

*Sandra Schultz Mengel*

Chief Clerk